VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v.

CENTRAL RADIO COMPANY, INC.,

Respondent.

Consolidated Cases
Case No. CL10-2965

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v.

MEHRI KAHHAL,

Respondent.

Case No. CL10-2162

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v.

NORVA PROPERTIES LC,

Respondent.

Case No. CL10-4346

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v.

MARTIN E. and BARBARA J. PECIL,

Respondents.

Case No. CL10-2816

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v.

PKO VENTURES, LLC,

Respondent.

Case No. CL10-2825

FILED
2011 MAR 15 PM 2:59
NORFOLK
CIRCUIT COURT CLERK
BY:

ORDER

THIS MATTER COMES before the Court in the five captioned matters, which were consolidated pursuant to an Order entered on October 14, 2010, upon Petitioner's Motion to Strike Respondents' Objections and Affirmative Defenses and Respondents' Motion to Invalidate for lack of jurisdiction.

Upon due consideration of the pleadings, the record, the oral and written arguments of counsel and relevant legal authority, and for good cause shown, and for the reasons set forth in the Court's letter opinion dated February 17, 2011, attached to this Order as Exhibit A, which letter opinion is incorporated herein by reference as if fully set forth in this Order, it is hereby ADJUDGED and ORDERED as follows:

With respect to Respondents Central Radio Company, Inc. (CL10-2965), Mehri Kahhal (CL10-2162), Barbara J. Pecil (CL10-2816), and PKO Ventures, LLC (CL10-2825):

1. Respondents' Motion to Invalidate for lack of jurisdiction is DENIED;

2. Petitioner's Motion to Strike is GRANTED;

3. The Norfolk Housing and Redevelopment Authority is authorized to acquire by eminent domain these four Respondents' properties as described in the Petitions, together with any improvements thereon, and the estate, interest, or rights of all parties therein; and

4. The parties are directed to set these four cases for trial on the issue of just compensation.

With respect to Respondent Norva Properties LC (CL10-4346):

1. Respondents' Motion to Invalidate for lack of jurisdiction is DENIED;

2. Petitioner's Motion to Strike Affirmative Defenses ¶¶ 1, 2, 3, 4, 5, 6, 9 and 10, pertaining to the Hampton Boulevard Redevelopment Plan, *stare decisis* and Virginia Code § 1-219.1, is GRANTED; and

3. Petitioner's Motion to Strike Affirmative Defenses ¶¶ 7 and 8, pertaining to the Authority's offer to Respondent and the appraisal upon which such offer is based is DENIED, and the Court directs that the parties set Affirmative Defenses ¶¶ 7 and 8 for hearing pursuant to § 25.1-219 of the Virginia Code.

MAR 17 2011

ENTERED this _____ day of March 2011.

Louis A. Sherman, Judge

JUDGE

COPY TESTE:
GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
BY
Crystal Porter, Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer

MAR 17 2011

I ASK FOR THIS, EXCEPT THE AUTHORITY OBJECTS TO THE DENIAL OF THE MOTION TO STRIKE AFFIRMATIVE DEFENSES ¶¶ 7 AND 8 IN THE NORVA PROPERTIES LC CASE FOR THE REASONS SET FORTH IN THE AUTHORITY'S MEMORANDA OF LAW AND ORAL ARGUMENT:

Donald C. Schultz, VSB No. 40831
Shawn A. Voyles, VSB No. 43277
Harriet T. Reynolds, VSB No. 26539
CRENSHAW, WARE & MARTIN, P.L.C.
1200 Bank of America Center
Norfolk, Virginia 23510
(757) 623.3000
Fax: (757) 623.5735
Counsel for Norfolk Redevelopment and Housing Authority

SEEN AND OBJECTED TO FOR THE REASONS

SET FORTH IN THE LANDOWNERS' BRIEFS,

MOTION TO INVALIDATE, AND ON THE RECORD

IN OPEN COURT:

VSB 76587

Joseph T. Waldo, Esq.
Christi A. Cassel, Esq.
WALDO & LYLE, P.C.
301 W. Freemason Street
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Counsel for Central Radio, Inc., Merhi Kahhal, Norva Properties LC, Barbara J. Pecil, and PKO Ventures, LLC

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY,

Petitioner,

v. **Case No. CL10-2825**

PKO VENTURES, LLC,

Owner and premises situated in the City of Norfolk, Virginia, known as 1069 W. 41st Street, containing 10,000 square feet, more or less, and designated as Block 7, Parcel 5 in the Hampton Boulevard Redevelopment Project,

Respondent.

ORDER CONFIRMING REPORT OF JURORS

This cause came on this day to be heard on the Report of Jurors dated and filed herein on the 13th day of July 2012 and the exception filed to the Report of Jurors filed by the Respondent.

UPON CONSIDERATION WHEREOF, it appearing to the Court that the Authority has paid to the Clerk of this Court the sum of FIVE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS ($550,000.00), as determined by the jury to be just compensation, to acquire fee simple title to the property that is the subject of this condemnation action (the "Subject Property"), and that fee simple title to the Subject Property hereinafter described is vested of record in PKO Ventures, LLC, and that fee simple title to the Subject Property hereinafter described is necessary for the use of the Authority for the purpose of implementing thereon a certain redevelopment project, the Court hereby

APPROVES, RATIFIES and CONFIRMS the Report of Jurors in all respects and CONFIRMS unto the Norfolk Redevelopment and Housing Authority, as provided by statute, the

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fee simple title to the Subject Property, heretofore owned by PKO Ventures, LLC, and described as follows:

> ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, now known as 1069 West 41st Street situate in the City of Norfolk, Virginia, and being known, numbered and designated as Lots 79, 80, 81 and 82, in Block 223 on the plat of Lamberts Point Investment Company which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, in Map Book 5, pages 30 and 31, reference to which is hereby made for a more particular description of the said metes and bounds of property.
>
> TOGETHER WITH any and all right, title and interest, if any, of, in and to any gores or strips of land adjoining said premises, and of, in and to any land lying in the bed of any stream, street, road or avenue, open or proposed, in front of or adjoining said premises, to the center line thereof.
>
> IT BEING the same property conveyed to PKO Ventures, LLC, a Virginia Limited Liability Company, by deed from Howard J. Gould and Joan W. Gould, husband and wife, dated September 13, 1999, and recorded September 30, 1999 in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, as Document Number 990028675.

It is further ORDERED that this Order is effective on this date, that the Clerk of this Court record said Report of Jurors and this Order and index the same in the names of the Norfolk Redevelopment and Housing Authority and PKO Ventures, LLC, in the current deed book in the Clerk's Office of this Court, and that the Treasurer of the City of Norfolk is hereby directed to relieve the Subject Property from the assessment of real estate taxes as of this date, and

It is further ORDERED that Respondent's exception to the Report of Jurors and request for a supersedeas are DENIED for the reasons set forth in open court.

ENTER: August 13, 2012

Judge
Louis A. Sherman, Judge

COPY TESTE:
GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
BY _____
Tarika Russell, Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer
Date: 8/14/12

I ASK FOR THIS:

Donald C. Schultz, VSB No. 30531
Amy Taipalus McClure, VSB No. 77937
CRENSHAW, WARE & MARTIN, P.L.C.
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Telephone: (757) 623-3000
Facsimile: (757) 623-5735
Counsel for Norfolk Redevelopment and Housing Authority

SEEN AND OBJECTED TO for the reasons stated in Respondent's pleadings and briefs and stated on the record in open court.

Joseph T. Waldo, VSB No. 17738
Christi A. Cassel, VSB No. 76587
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